

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SCOTT PROUTY,
Petitioner,

v.

Case No. 11-C-0645

PAMELA WALLACE, Warden,
Chippewa Valley Correctional Treatment
Facility,
Respondent.

ORDER

On July 6, 2011, Scott Prouty filed this petition pursuant to 28 U.S.C. § 2254, asserting that his state court conviction and sentence were imposed in violation of the Constitution. In a prior order, I denied Prouty's request for pro bono counsel on the ground that he appeared competent to litigate the case himself. Prouty has filed a motion asking that I reconsider that decision. However, as it still appears to me that, given the difficulty of the case, Prouty is competent to litigate it himself, his motion for reconsideration will be denied. See Pruitt v. Mote, 503 F.3d 647, 654 (7th Cir. 2007) (en banc).

On September 16, 2011, Prouty filed a motion for a seven-day extension of time to file a "reply" to the respondent's answer. I assume he is referring to the reply allowed by Rule 5(e) of the Rules Governing § 2254 Cases. However, Prouty should be aware that he is not required to file a reply. Instead, as outlined in my Rule 4 order of July 25, 2011, he is required to file a brief in support of his petition within 45 days from the date the respondent files her answer. The answer was filed on September 8, 2011, which means that Prouty's brief is currently due on October 24, 2011. To the extent that Prouty wishes

to have an additional seven days to file his brief, such request is granted, and his brief will be due on October 31, 2011.

For the reasons stated, **IT IS ORDERED** that petitioner's motion for reconsideration is **DENIED**.

IT IS FURTHER ORDERED that petitioner's motion for extension of time is **GRANTED**.

Dated at Milwaukee, Wisconsin, this 23rd day of September 2011.

s/ _____
LYNN ADELMAN
District Judge